

03500.015451

Dep E Ref
#307
#141 day for
PATENT APPLICATION
resub
09-12-03

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re Application of:

YASUHIRO SHIMADA ET AL.

Application No.: 09/879,905

Filed: June 14, 2001

For: PROBE WITH HOLLOW
WAVEGUIDE AND METHOD
FOR PRODUCING THE SAME

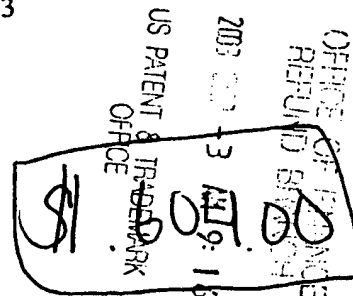
Examiner: S. Yam

Group Art Unit: 2878

August 18, 2003

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND



Sir:

In connection with the above-identified application, Applicants' attorneys request a refund of \$280.00 for multiple dependent claims fee and \$324.00 for claims in excess of twenty, which fees were erroneously charged to their Deposit Account 06-1205.

On June 14, 2001, Applicants filed a Utility Patent Application Transmittal, copy attached. Applicants paid the multiple dependent claims fee at that time. On March 11, 2003, Applicants filed an Amendment After Final in which only two dependent claims were added. Applicants had previously paid for 64 claims and 3 independent claims. No additional claims fees were due. A copy of the Transmittal for Amendment and return receipt postcard are also attached.

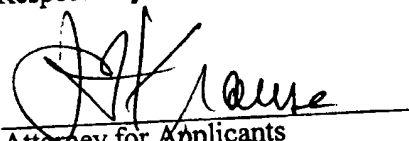
Applicants' attorneys received a Monthly Statement of Deposit Account from the PTO, dated May 30, 2003, copy enclosed, indicating charges of \$280.00 and \$324.00 were made to their Deposit Account No. 06-1205. It is respectfully submitted that these charges were made in error.

In view of the foregoing, Applicants' attorneys hereby request a refund in the amount of \$604.00 and authorize the Commissioner to credit their Deposit Account No. 06-1205 in that amount, in order to resolve this matter.

If there is any question regarding this Request for Refund, Applicants' undersigned attorney can be contacted at the telephone number provided below.

Applicants' undersigned attorney may be reached in our New York office by telephone at at the time.(212) 218-2100. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Attorney for Applicants
Registration No.

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

NY_MAIN 389606v1



Commissioner for Patents
Washington, D.C. 20231

Date 6/14/01
Mo. Day Yr.
Atty. Docket 35C15451

Sir: Kindly acknowledge receipt of the accompanying:

- ☒ Specifications, claims and abstract 40 pages, with Transmittal Form
☒ Patent Application Bibliographic Data Sheet 1 sheets
☐ Executed Oath or Declaration and Power of Attorney
☒ 12 Sheets of X formal informal drawings
☒ Check for \$ 1772 (filing fee)
☐ Request for Continued Examination and Check for \$
☐ Assignment, PTO-1595 and Check for \$
☐ Transmittal Under 37 CFR 1.53(d) (CPA)
☐ Petition under 37 CFR 1.136 and check for \$
☐ Other (specify)

by placing your receiving date stamp hereon and mailing or returning to deliverer.
This is a ☐ Continuation ☐ Divisional ☐ Continuation-In-Part
Atty. JR/LF Due Date 6/16/01 Mo. Day Yr.
By Hand ☒ 37 CFR 1.8 ☐
37 CFR 1.10 ☐

FOHS-A-00

1-903 U.S. PTO
09/879905
06/14/01

Commissioner for Patents
Washington, D.C. 20231

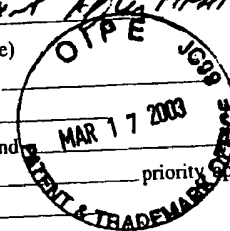
Date 3/11/03
Mo. Day Yr.
Atty. Docket 03580.015451

Sir: Kindly acknowledge receipt of the accompanying:

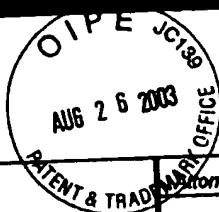
- ☒ Response to Official Action. Amendment After Final Action
☐ Check for \$ (claims fee)
☐ Petition under 37 CFR 1.136 and Check for \$
☐ Notice of Appeal and Check for \$
☐ Information Disclosure Statement, PTO-1449 and documents
☐ Claim for priority and certified copies of priority applications
☐ Issue fee transmittal and Check for \$
☐ Other (specify)

by placing your receiving date stamp hereon and mailing or returning to deliverer.
Atty. PCT Due Date 3/11/03 Mo. Day Yr.
By Hand ☐ 37 CFR 1.8 ☒
37 CFR 1.10 ☐

FOHS-B-00



+



UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

35.C15451

First Named Inventor or Application Identifier

YASUHIRO SHIMADA

Express Mail Label No.

Commissioner for Patents
Box Patent Application
Washington, DC 20231

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

1. ☐ Fee Transmittal Form
(Submit an original, and a duplicate for fee processing)

2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.

3. ☒ Specification Total Pages

4. ☒ Drawing(s) (35 USC 113) Total Sheets

5. ☐ Oath or Declaration Total Pages

a. ☐ Newly executed (original or copy)

b. ☐ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 17 completed)

i. ☐ **DELETION OF INVENTOR(S)**
Signed Statement attached deleting
inventor(s) named in the prior application, see
37 CFR 1.63(d)(2) and 1.33(b).

6. ☒ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer
Program (Appendix)

8. ☐ Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)

a. ☐ Computer Readable Form (CRF)

b. Specification Sequence Listing on:

i. ☐ CD-ROM or CD-R (2 copies); or

ii. ☐ paper

c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))

10. ☐ 37 CFR 3.73(b) Statement
(when there is an assignee)

☐ Power of Attorney

11. ☐ English Translation Document (if applicable)

12. ☐ Information Disclosure
Statement (IDS)/PTO-1449

☐ Copies of IDS
Citations

13. ☐ Preliminary Amendment

14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)

15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)

16. ☐ Other: _____

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

☐ Continuation

☐ Divisional

☐ Continuation-in-part (CIP)

of prior application No. ____/
Group/Art Unit: _____

Prior application information:

Examiner _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

05514
(Insert Customer No. or Attach bar code label here)

or ☐ Correspondence address below

NAME

Address

City

Country

State

Telephone

Zip Code

Fax

+

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c))	64-20 =	44	X \$ 18.00 =	\$792.00
	INDEPENDENT CLAIMS (37 CFR 1.16(b))	2-3 =	0	X \$ 80.00 =	\$0.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			\$270.00 =	\$270.00
				BASIC FEE (37 CFR 1.16(e))	\$710.00
			Total of above Calculations =		\$1,772.00
			Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28).		
			TOTAL =		\$1,772.00

19. Small entity status

- a. ☐ A small entity statement is enclosed
- b. ☐ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c. ☐ Is no longer claimed.

20. ☒ A check in the amount of \$ 1,772.00 to cover the filing fee is enclosed.

21. ☐ A check in the amount of \$ _____ to cover the recordal fee is enclosed.

22. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 06-1205:

- a. ☒ Fees required under 37 CFR 1.16.
- b. ☒ Fees required under 37 CFR 1.17.
- c. ☐ Fees required under 37 CFR 1.18.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

NAME Joseph W. Ragusa (Reg. No. 38,586)

SIGNATURE

Joseph W. Ragusa

DATE

June 13, 2001



Amendment Under 37 C.F.R. § 1.116
Group Art Unit 2878, Expedited Procedure

Docket No. 03500.015451

In re Application of:

YASUHIRO SHIMADA ET AL.

Application No.: 09/879,905

Filed: June 14, 2001

For: PROBE WITH HOLLOW WAVEGUIDE
AND METHOD FOR PRODUCING THE SAME

Examiner: S. Yam

Group Art Unit: 2878

March 11, 2003

COMMISSIONER FOR PATENTS

Box AF

Washington, D.C. 20231

Sir:

Transmitted herewith is an Amendment After Final Action in the above-identified application.

☒ No additional fee is required.

The fee has been calculated as shown below

CLAIMS AS AMENDED						
	(2) CLAIMS REMAINING AFTER AMENDMENT		(4) HIGHEST NO. PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL CLAIMS	* 58	MINUS	** 64	= 0	x \$9 \$18	-0-
INDEP. CLAIMS	* 2	MINUS	*** 3	= 0	x \$42 \$84	-0-
Fee for Multiple Dependent claims \$140°/\$280						Prev. Paid
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT---						-0-

- * If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

- ☐ Verified Statement claiming small entity status is enclosed, if not filed previously.
- ☐ A check in the amount of \$_____ is enclosed.
- ☐ Charge \$_____ to Deposit Account No. 06-1205. A duplicate copy of this sheet is enclosed.
- ☒ Any prior general authorization to charge an issue fee under 37 C.F.R. 1.18 to Deposit Account No. 06-1205 is hereby revoked. The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 and 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 06-1205. A duplicate copy of this paper is enclosed.
- ☐ A check in the amount of \$_____ to cover the fee for a _____ month extension is enclosed.
- ☐ A check in the amount of \$_____ to cover the Information Disclosure Statement fee is enclosed.
- ☒ Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

Peter G. Thunberg
Attorney for Applicants

Registration No. 47,138

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

NY_MAIN 334105v1

UNITED STATES
PATENT AND
TRADEMARK OFFICE



Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office
Washington, DC 20231
www.uspto.gov

**MONTHLY STATEMENT
OF DEPOSIT ACCOUNT**

To replenish your deposit account, detach and
return top portion with your check. Make check
payable to Director of Patents & Trademarks.

FITZPATRICK CELLA HARPER & SCINTO

30 ROCKEFELLER PLAZA

NEW YORK NY 10112-3801

FINA

Account No.	061205
Date	5-30-03
Page	2

PLEASE SEND REMITTANCES TO:
U. S. Patent and Trademark Office
P.O. Box 70541
Chicago, IL 60673

DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
MO.	DAY	YR.						
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5	16	03	255	1012329	02377002800	8007	240.00	49626.75
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AN AMOUNT SUFFICIENT TO
COVER ALL SERVICES REQUESTED
MUST ALWAYS BE ON DEPOSIT

OPENING BALANCE	TOTAL CHARGES	TOTAL CREDITS	CLOSING BALANCE
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*** O.D. INDICATES OVERDRAFT